

The Leesburg Planning Commission met on Thursday, September 2, 2004, in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, Lee Phillips, Jay Banks, and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
Commissioner Bangert
Commissioner Barnes
Commissioner Hoovler
Commissioner Jones
Commissioner Kalriess (arrived 7:06pm)
Mayor Umstattd
Commissioner Wright

ADOPTION OF THE AGENDA

Commissioner Bangert moved to adopt the agenda as presented.

Motion: Bangert
Second: Wright
Carried: 6-0*

*Commissioner Kalriess was not present for this vote

APPROVAL OF MINUTES

Commissioner Hoovler moved that the minutes of the August 5, 2004 meeting be adopted as noted.

Motion: Hoovler
Second: Barnes
Carried: 6-0*

*Commissioner Kalriess was not present for this vote

PREVIEW CASES

None

CHAIRMAN'S STATEMENT

None

PETITIONERS

Ms. Ann L. Jones of 1232 Bradfield Dr., SW came forward to present two letters to the Planning Commission from the Keep South Leesburg Beautiful organization. These letters had been previously emailed to the Commission and addressed some issues regarding KSLB and the future Meadowbrook proposed development.

There were no other petitioners.

PUBLIC HEARING

None

SUBDIVISION AND LAND DEVELOPMENT

None

ZONING

None

COMPREHENSIVE PLANNING

Mr. Earl Hower, Chairman of the Tree Commission, and Mr. Jay Banks, Urban Forester for the Town gave a presentation entitled "Trees in our Town". This presentation focused on the importance of the tree canopy, its effect on the community's well being, and the economic impact a healthy tree canopy can provide. They further spoke about the loss of this canopy within Leesburg and the efforts that are being put in place to remedy this situation. Mr. Hower summed the situation up by saying that the Master Plan being recommended will be a challenge to oversee and asked for the support of the Planning Commission.

Commissioner Wright asked for a copy of the presentation and asked a question about tree replacement. Mr. Banks referred him to the information available at the town website that offers good detail on replacement trees.

Commissioner Bangert asked about the dead fir trees at Ida Lee Park. Also, some of the trees put in at the recent Costco development seem to be lacking attention. She went on to ask what the tree bank funding source was. Mr. Banks explained that it was a method of putting aside funds for certain tree plantings.

Mayor Umstattd said that they will be sending requests to Richmond soon and asked that the Tree Commission send their wish list in for inclusion. She went on to say that some HOA's have anti tree regulations. They should be made aware of some of the town's tree

efforts and perhaps be encouraged to remove the restrictions from their regulations. Lastly, is there an awards program? If not, it would be a good thing to do. Mr. Hower responded that yes, there was a program in place and that they were working on improving it.

Commissioner Hoovler thanked Messrs. Hower and Banks for their presentation. He asked if the current information on the tree canopy was going to be followed up on in the future maintaining statistics on the current tree canopy and future canopy. Mr. Hower asked if the Urban Forester looked at incoming plans and looked at how they impact trees. Mr. Banks said that tree replacement is required, but often the maintenance of these trees is in many instances poor. Mr. Hoovler asked what the timeframe was on the tree management plan. Mr. Banks said it was funded through June, 2005 and hopefully they will be able to mesh this management plan with the new town comprehensive plan.

Commissioner Kalriess asked whether there was a requirement for tree canopy cover in residential areas, as well as commercial? The answer was yes, there is. He also asked about no net loss on capital projects – is this based on mature growth or immediate growth? Mr. Banks responded basically it's a one for one right now – cut a tree, plant a tree. There is no written requirement to do this, but it is what is presently occurring .

Commissioner Jones asked whether the no net loss objective was adequate. Should we require more? How can trees be put into heavily developed areas? He mentioned East Market Street and how the widening has taken out trees. Can a program be put into place that will encourage tree planting in these areas that will work.

Susan Swift, Director of Planning, Zoning & Development, stated that the requirements to need to be strengthened. With regard to capital projects many times there is not enough right of way to plant trees and any trees put on private property are put in at the discretion of the property owner. Review schedules of plans is now putting the Urban Forester into the process sooner, and hopefully that will help.

Commissioner Jones asked if the tree management plan will be part of the comprehensive plan, or if it will be a standalone report. Ms. Swift responded that was a decision that the Planning Commission will ultimately make. Mr. Jones went on to ask if the town couldn't make tree plantings part of the performance bond.

Chairman Vaughan stated that the Planning Commission supports this effort, feels that the tree management plan should be part of the comprehensive plan, perhaps changes to the zoning ordinance should be investigated in respect to this, create a partnership with citizens and town council to promote trees, and go and talk to HOA's to make them aware of the effort.

Commissioner Hoovler asked if there were plans to take this presentation to HOA's. Mr. Banks stated that he is interested, but time constraints on his part and the HOA agendas have not yet allowed for this to happen. He also asked if the Tree management plan was

being coordinated with the EAC Watershed report. Mr. Hower replied that yes, they were coordinating their efforts.

A Primer on Comprehensive Planning was presented by Susan Swift, Director, Planning, Zoning and Development. This presentation was an overview of the components of a comprehensive plan and some of the processes used to create a plan.

Commissioner Hoovler asked if the current town plan was failing. Yes, because it was written somewhat generically and did not anticipate the growth explosion in the area. The longer a plan is in place, the harder it is to implement. It becomes very difficult to predict what might occur in twenty years, but smaller increments of time might increase accuracy of prediction.

Ms. Swift went on to point out certain sections of the Code of Virginia that relate directly to the Comprehensive Plan. She explained the role of the Planning Commission and the elements of the comp plan.

Commissioner Jones asked if the County had changed zonings in the Sycolin Creek area and wanted to know how the town handles zoning in the UGA. Years ago during an annexation study, there was an AADP committee that worked with the County. Where do we stand now on how the county makes decisions for this area just south of town, or any area in the UGA? Susan Swift responded that is a procedure and that is referrals are sent to the town for review and comment and then sent back to the county. The town also sends referrals to the County for comment on plans that impact the UGA. Mr. Jones asked how the AADP fit into this picture. Ms. Swift responded that she was not familiar with the AADP committee since they have not met in the last two years. Mr. Jones asked if the Planning Commission would have a role in the proposed development south of town.

Commissioner Bangert mentioned that the AADP group dealt with the 1984 annexation. She went on to say that the County does not need to get any approval from the town for development in the UGA. Commissioner Jones asked how you can plan for the Town of Leesburg when there are three main street communities planned around it. Susan Swift said there was supposed to be some joint planning prior to the filing of the current applications. Councilmember Martinez has asked that a charrette be conducted regarding the area.

Chairman Vaughan expressed concern that perhaps the charrette should have happened sooner. He suggested that the Planning Commission take a look at the zoning map and determine what land has not yet been developed and stay ahead of the applications by reviewing the current zoning. Susan Swift said that it was very difficult in Loudoun County to stay ahead of the game. There is just too much happening, too quickly.

Commissioner Jones asked if there would be an opportunity to discuss these kinds of things at other times rather than only at Commission meetings. Chairman Vaughan said yes, as long as the public is made aware of the meeting. Commissioner Jones said that

the uses on the county's general plan for this area has been on the books for the last thirty years as employment centers and commercial.

Commissioner Bangert asked if the Planning Commission should send a formal request to be able to sit in with the County. Chairman Vaughan said that the Town Council needs to give them that charge.

Commissioner Kalriess stated that it was his understanding that the planning commission of the local jurisdiction has a role in the planning of the area (Urban Growth Area), so why would there not be joint meetings regarding the proposed development. Susan Swift said they could only do this as individuals, not as a Commission. There is an option in the State Code to have the two Commissions work together, but not a mandate.

Commissioner Jones said that the Planning Commission's responsibility is to have a say in applications that are in the greater Leesburg area. They must be able to evaluate the issues. Thirty to Forty thousand people will have a crushing impact on the town. Having to wait and see if they can meet jointly with the County is wrong. They need to be proactive in the growth of their own area. Chairman Vaughan again stated that this is up to the elected officials and there must be a formal request. Again, take the time to review undeveloped land and consider viable uses for it. He offered to go to the town council and ask if they would consider joint planning in this case.

Commissioner Bangert said she didn't think that they needed Council permission to meet jointly. If they deny permission, then the Commission is totally out of the picture. The Commission is supposedly able to make recommendations in a non political forum. Susan Swift again reiterated what she felt the protocol was.

Commissioner Jones asked that they include in a motion that they meet as a Commission and look at the UGA area to review the consequences to the Town. Susan Swift explained that there are timeframes to work within.

Commissioner Wright brought a point of order on the agenda up. Currently Susan was making a presentation on the primer and should be allowed to finish the current agenda item.

Pointing out land use and zoning districts Ms. Swift ended the presentation with goals, objectives and policies and explained the sometimes lengthy process of information gathering. She then gave a recap of what the Commission could expect to receive on the current draft of the town plan at future meetings.

COUNCIL AND REPRESENTATIVE'S REPORT

None

STAFF AND COMMITTEE REPORTS

Chairman Vaughan reported on the last Board of Architectural Review meeting that took place on August 23, 2004. There is a concern about using composite materials in the old and historic district. Mr. Vaughan suggested that Ms. Lalire be amenable to allowing use of this material in the district. He cited his home as an example of how good this material is to work with.

OLD BUSINESS

None

NEW BUSINESS

Commissioner Bangert moved that the Chairman of the Planning Commission inform Town Council of the Commission's intent to request that the town's planning commission be included in their study and deliberation of all the applications in our JLMA area.

Motion: Bangert
Second: Kalriess
Carried: 7-0

Commissioner Jones moved that the Chairman convene a special meeting of the Leesburg Planning Commission at the earliest possible date to consider the status of the town's growth management capabilities, under the prevailing Town of Leesburg and County of Loudoun land planning policies, agreements, ordinances and processes.

Commissioner Hoovler asked if this was above and beyond the normal meeting schedule. Commissioner Kalriess asked if a timetable could be added during this special meeting, one that covers overall objectives of the Planning Commission.

Motion: Jones
Second: Bangert
Carried: 7-0

Commissioner Jones asked if the town attorney should be present. We can request that he attend.

Commissioner Kalriess would like to have the planning commission consider getting ahead of the curve, by identifying properties that have the potential for being developed, and reviewing uses prior to completion of the town plan. Chairman Vaughan said this would be a good opportunity to also include the UGA. Mr. Kalriess asked for a copy of a

document that listed all undeveloped properties within town. Ms. Swift asked if he wanted the old information or current information. The only large parcel currently with no application in is the old Leegate. Mr. Kalriess asked that 20-30 acre parcels also be considered.

With regard to the special exception process, Mr. Kalriess noted that there is no modification process. If you add or change anything, you have to go through the special exception process again. He has worked in jurisdictions where modifications can be administratively made. He would like this change to be considered. Susan Swift said that comparing to county ordinances is not fair because of the size of the developments and the proximity to the neighbors are much different for the Town. Mr. Kalriess also brought up the topic of substantial performance. The way our ordinance is written is to make someone go through the entire process to possibly modify something by a few feet. Mr. Kalriess said that caps are put on the modifications. He also asked that any code amendments be incorporated into the calendar.

Mr. Kalriess also asked that lighting standards be reviewed to make sure that light pollution and glare are addressed. Susan asked him if he would like to meet with John Johnston and review the current lighting standards. He responded that yes, he would like to meet with Mr. Johnston.

ADJOURNMENT

The motion was made and seconded to adjourn at 9:16pm

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Clifton Vaughan, Chairman